

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

DAVID G. RAY, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

v.

TIERONE CORPORATION, GILBERT G.  
LUNDSTROM, EUGENE B.  
WITKOWICZ, MICHAEL J. FALBO,  
AND CHARLES W. HOSKINS,

Defendants.

DOUGLAS L. STEJSKAL,

Plaintiff,

v.

GILBERT G. LUNDSTROM,

Defendant.

DOUGLAS L. STEJSKAL,

Plaintiff,

v.

JAMES A. LAPHEN,

Defendant.

Case No. 8:10-cv-00199

**ORDER PERMITTING DISTRIBUTION  
OF CLASS SETTLEMENT FUNDS**

Member Case No. 4:10-cv-3177

Member Case No. 8:10-cv-332

**IT IS HEREBY ORDERED THAT:**

1. The funds that are currently in the Net Settlement Fund (less any necessary amounts to be withheld for payment of potential tax liabilities and related fees and expenses) shall be distributed on a pro rata basis to the Authorized Claimants identified in Exhibit B-1 to the Affidavit

of Paul Mulholland CPA, CVA Concerning Administrative Procedures Performed to Process and the Results Thereof (“Mulholland Affidavit”), at the direction of Lead Plaintiffs’ Counsel, The Rosen Law Firm P.A., pursuant to the Stipulation and Agreement of Settlement dated May 25, 2012 (the “Stipulation”) and the Plan of Allocation set forth in the Notice of Pendency and Proposed Settlement of Class Action that was distributed pursuant to this Court’s prior Order.

2. Any person asserting any rejected or subsequently filed claims are finally and forever barred from the date of this Order.

3. The Court finds that the administration of the Settlement and proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund are released and discharged from any and all claims arising out of such involvement, and all Class Members are barred from making any further claims against the Net Settlement Fund or the Released Parties beyond the amount allocated to them pursuant to this Order.

4. The checks for distribution to Authorized Claimants shall bear the notation “CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION 180 DAYS AFTER DISTRIBUTION DATE.” Lead Counsel and the court-appointed Claims Administrator, Strategic Claims Services (“SCS”) are authorized to locate and/or contact any Authorized Claimant who has not cashed his, her or its check within said time.

5. Pursuant to Paragraph E.14 of the Stipulation, if there are any remaining funds in the Net Settlement Fund one (1) year after the initial distribution of the Net Settlement Fund by reason of un-cashed distributions or otherwise, and after the Claims Administrator has made reasonable

and diligent efforts to have Class Members who are entitled to participate in the distribution of the Net Settlement Fund cash their distribution, then any balance remaining in the Net Settlement Fund shall be re-distributed, after payment of any unpaid costs or fees incurred in administering the Net Settlement Fund for such re-distribution, to Settlement Class Members who have cashed their checks and who would receive at least \$10.00 from such re-distribution. If any funds shall remain in the Net Settlement Fund six months after such re-distribution, then such balance shall be contributed to Creighton University.

6. SCS is hereby ordered to discard paper or hard copies of Proofs of Claims and supporting documents not less than one (1) year after all distributions of the Net Settlement Fund to the eligible claimants, and electronic copies of the same not less than three (3) years after all distributions of the Net Settlement Fund to the eligible claimants.

7. This Court retains jurisdiction over any further application or matter which may arise in connection with this action.

IT IS SO ORDERED.

Dated this 5th day of August, 2013

BY THE COURT:

s/ Joseph F. Bataillon  
U.S. District Court Judge